

REMARKS

This application has been reviewed in light of the Office Action dated September 17, 2003. Claims 41-52 remain pending. Claims 41, 42, and 49 are in independent form. Claims 45, 48, and 52 have been amended. Favorable reconsideration is requested.

Claim 45 has been amended merely to correct a typographical error. That change has not been made for purposes relating to patentability, and the change also does not affect the scope of the claim.

Claims 48 and 52 have been amended to replace "alien substrate" with "a foreign substance", as suggested in the Office Action. That change is not deemed to be narrowing in scope.

Claims 41-52 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-28 of U.S. Patent No. 6,309,691 (Hasegawa), which issued on the parent of the present application, in view of U.S. Patent No. 5,879,855 (Schadeli et al.).

Claims 41, 43, 45, 47, 49, and 51 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 42 and 44-48 of U.S. Application No. 09/864,407 in view of Schadeli et al. U.S. Application No. 09/864,407 has been allowed, and therefore the rejection is believed to be no longer provisional.

Without conceding the propriety of the rejections set forth in the Office Action, a Terminal Disclaimer is submitted herewith, addressing Hasegawa and U.S.

Application No. 09/864,407. Accordingly, it is believed that the double patenting rejections have been obviated, and their withdrawal is therefore respectfully requested.

It is believed that the application is now in condition for allowance. Accordingly, favorable reconsideration and early passage to issue of the present application are respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 396493v1